



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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TO: The Air Pollution Control Board

FROM: Ann S. Long
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SUBJECT: Recall and Readoption of LSA Document # 06-18(F)

DATE: July 14, 2006

Factual Background

The department has recalled a rule amending 326 IAC 1-4-1 regarding attainment redesignations and the one-hour ozone standard revocation that was final adopted by this board on May 3, 2006. A formal notice of recall was published in the Indiana Register on July 5, 2006.

Under IC 4-22-2-40(a), a rule may be recalled at any time before the rule is accepted for filing by the Legislative Services Agency. A board may reconsider its adoption action and adopt either an identical rule or a revised rule (IC 4-22-2-40(c)).

Reasons for Recall

The citation to 40 CFR 81.315 in the final adopted rule needed to be corrected by adding the specific edition of the Code of Federal Regulations (CFR) that will be used in this rule. This has been done by adding; "revised as of July 1, 2004" to the citation in the rule as proposed for readoption.

Board Action

Under IC 4-22-2-40, the board may readopt a rule after the agency recalls it. The board may adopt either the identical rule or a revised rule. The rule will be submitted to the Attorney General's Office and the Governor's Office for approval and then published as a final rule in the Indiana Register. The department requests that the board adopt amendments to the rule as it was final adopted and then readopt the rule as amended.